

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

DEREK ROBERT GLASSER, for himself  
and as next friend of C.D.G., a minor,

Plaintiff,

v.

CIVIL ACTION NO. 2:15-cv-01411

MELISSA MCCUMBERS, et al.,

Defendants.

**ORDER**

Pending before this Court is the motion to dismiss filed by Defendants Melissa McCumbers and Casey Adkins (collectively, “Defendants”). (ECF No. 29.) By Standing Order entered on May 7, 2014, and filed in this case on February 4, 2015, (ECF No. 3), and by orders entered on November 9, 2017, (ECF No. 24), and September 20, 2018, (ECF No. 36), this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition (“PF&R”). Magistrate Judge Tinsley filed his PF&R on November 30, 2018, recommending that this Court grant the motion to dismiss. (ECF No. 37.)

This Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff’s right to appeal this Court’s

order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on December 17, 2018. (ECF No. 37.) To date, Plaintiff has failed to submit any objections in response to the PF&R, thus constituting a waiver of *de novo* review and Plaintiff’s right to appeal this Court’s order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 37), in full and **GRANTS** Defendants’ motion to dismiss, (ECF No. 29). Because Defendants are the sole remaining Defendants in this action, this Court further **DISMISSES** this action in its entirety and **DIRECTS** the Clerk to remove it from this Court’s docket.

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 15, 2019



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THOMAS E. JOHNSTON, CHIEF JUDGE